

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EMANUEL L FINCH SR,

Plaintiff,

v.

BRADLEY GRAHAM, CYNTHIA
BROOKS, JOE SOFIA,

Defendants.

CASE NO. 3:15-CV-05305-RBL-JRC

SECOND ORDER TO AMEND OR
SHOW CAUSE

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

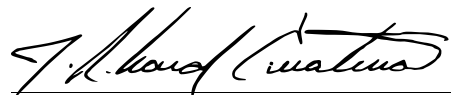
The Court granted plaintiff *in forma pauperis* status May 11, 2015 (Dkt. 5) and plaintiff filed his complaint on the same date (Dkt. 6). After the Court's initial review of plaintiff's complaint, the Court issued an order to file an amended complaint on or before June 26, 2015 (Dkt. 7). The Court informed plaintiff that he had not named a defendant against whom he can maintain a civil rights action (*id.*). Plaintiff filed an amended complaint (Dkt. 8) and opening

1 brief (Dkt. 10). Plaintiff then filed a response to the Court's order to show cause (Dkt. 11).
 2 These three pleadings appear to overlap in allegations and facts. The Court orders that plaintiff
 3 file one amended complaint on the proper Court form that includes all facts, allegations, and
 4 authority. Plaintiff should complete all sections of the Court's form. The amended complaint
 5 must be legibly written or retyped in its entirety. Plaintiff may attach continuation pages as
 6 needed but may not attach a separate document that purports to be his amended complaint.

7 Furthermore, the Court may dismiss a complaint at any time if the action fails to state a
 8 claim, raises frivolous or malicious claims, or seeks monetary relief from a defendant who is
 9 immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). If plaintiff is seeking monetary
 10 damages relating to his arrest or conviction, he must prove that the conviction or sentence has
 11 been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal
 12 authorized to make such a determination, or called into question by a federal court's issuance of
 13 a writ of habeas corpus, 28 U.S.C. § 2254. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).
 14 Plaintiff does not allege in his amended complaint or opening brief that his conviction or
 15 sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a
 16 state tribunal authorized to make such determination or called into question by a federal court's
 17 issuance of a writ of habeas corpus. Thus, he must show cause why this claim should not be
 18 dismissed.

19 The Court orders that plaintiff file the amended complaint on or before July 24, 2015.

20 Dated this 29th day of June, 2015.

21 

22 J. Richard Creatura
 23 United States Magistrate Judge
 24